



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

MEMBERS OF THE BOARD

John Naimo
Auditor-Controller
Laurie Milhiser
Chief Executive Office
Patrick A. Wu
Office of the County Counsel

NOTICE OF MEETING

The County of Los Angeles Claims Board will hold its regular meeting on **Monday, December 19, 2011, at 9:30 a.m.**, in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

AGENDA

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest that are within the subject matter jurisdiction of the Claims Board.
3. Closed Session - Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

- a. Matthew Harris v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 432 939

This lawsuit seeks compensation for injuries received by an inmate while in the custody of the Sheriff's Department; settlement is recommended in the amount of \$95,000.

[See Supporting Document](#)

- b. Marjorie Durazo v. County of Los Angeles
Los Angeles Superior Court Case No. LC 094 446

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Public Works; settlement is recommended in the amount of \$475,000.

[See Supporting Documents](#)

- c. Elizabeth O'Donnell v. County of Los Angeles
Los Angeles Superior Court Case No. BC 439 872

This dangerous condition lawsuit arises from injuries received from a trip and fall on an elevated hallway at a County facility; settlement is recommended in the amount of \$340,000.

[See Supporting Documents](#)

4. Report of actions taken in Closed Session.
5. Approval of the minutes of the December 5, 2011, regular meeting of the Claims Board.

[See Supporting Document](#)

6. Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.
7. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Matthew Harris v. County of Los Angeles, Matthew Ahrari, Paulie Tufano, Robert Sandoval, Nicole Johnson, Yvette Veal and Maria Chen
CASE NUMBER	BC432939
COURT	SUPERIOR COURT
DATE FILED	March 8, 2010
COUNTY DEPARTMENT	LASD
PROPOSED SETTLEMENT AMOUNT	\$ \$95,000
ATTORNEY FOR PLAINTIFF	DENNIS CHANG
COUNTY COUNSEL ATTORNEY	JOSEPH A. LANGTON
NATURE OF CASE	<p>Plaintiff alleges that his civil rights were violated when his jaw was broken by two inmate trustees at Twin Towers Correctional Facility. He claims that Deputies facilitated the assault and failed to protect him.</p> <p>The Deputy who was present contends that he was uninvolved in plaintiff's assault and that plaintiff was the source of his own injuries.</p>

Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$95,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	\$55,976.41
PAID COSTS, TO DATE	\$	\$22,836.45

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marjorie Durazo v. County of Los Angeles, et al.
CASE NUMBER	LC094446
COURT	Los Angeles Superior Court
DATE FILED	8/03/2011
COUNTY DEPARTMENT	Public Works Special District - Flood Control District
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Gerald D. Raphael, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On August 21, 2009, a County of Los Angeles employee was driving a County-owned pick-up truck southbound on Topanga Canyon Road approaching the intersection with Lanark Street, City of Los Angeles in heavy traffic. A vehicle in front of the pick-up truck abruptly changed to the next lane because of traffic stopped ahead at the intersection. The County employee applied his brakes and tried to swerve away from the vehicle ahead, but was unable to avoid a collision with the vehicle driven by Marjorie Durazo. Ms. Durazo contends that the County employee was negligent in the operation of the pick-up truck</p>

and the County is vicariously liable.

Ms. Durazo received soft-tissue injuries to her neck, shoulders, and upper back, which required surgery.

Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$475,000 is recommended.

PAID ATTORNEY FEES, TO DATE	\$	5,737
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PAID COSTS, TO DATE	\$	6,652
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**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

DEPARTMENT OF PUBLIC WORKS

CORRECTIVE ACTION PLAN

CLAIM OF: Margie Durazo

INCIDENT DATE: August 21, 2009

INCIDENT LOCATION: Topanga Canyon Boulevard at Lanark Street, City of Los Angeles.

RISK ISSUE:

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

INVESTIGATIVE REVIEW:

On August 21, 2009, Margie Durazo was at a complete stop in her vehicle, a 2004 Honda Accord, at the intersection of Topanga Canyon Boulevard and Lanark Street, Los Angeles. A Public Works Crew Leader with Flood Maintenance Division was heading southbound on Topanga Canyon Boulevard in a County vehicle, a 2002 Chevrolet utility truck, on his way to the City of Calabasas in order to perform maintenance on a private drain at approximately 35 miles per hour. The vehicles in front of him came to a sudden stop. He swerved to avoid colliding with the vehicles ahead of him but could not stop in time and struck the rear end of Ms. Durazo's vehicle.

This matter was subsequently reviewed by Public Works Automotive Safety Committee, where it was determined that the County employee was at fault for the incident.

Mediation was held in this matter on July 19, 2011. A settlement of \$475,000 was reached, pending Claims Board and Board of Supervisors approval.

POLICY ISSUES:

Public Works has several safety directives governing the safe operation of vehicles and equipment; vehicles are to be operated safely for the conditions and within the law.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	Margie Durazo
Date of incident/event:	August 21, 2009
Briefly provide a description of the incident/event:	Margie Durazo was at a complete stop in her vehicle, a 2004 Honda Accord, at the intersection of Topanga Canyon Boulevard and Lanark Street, Los Angeles. A Public Works employee was heading southbound on Topanga Canyon Boulevard at approximately 35 miles per hour in a County vehicle, on his way to the City of Calabasas in order to perform maintenance on a private drain. The vehicles in front of the Public Works employee came to a sudden stop. Our employee swerved to avoid colliding with the vehicles ahead of him, but could not stop in time, and struck the rear end of Ms. Durazo's vehicle.

1. Briefly describe the root cause of the claim/lawsuit:

The Public Works employee was found to be at fault for this incident, due to following Ms. Durazo's vehicle too closely.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

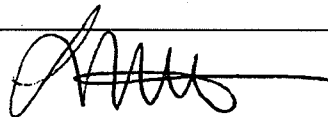
A seven-day suspension was issued to the Public Works employee by the departments Advocacy Section.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff	
Signature: (Department Head)	Date:
Gail Farber	

Chief Executive Office Risk Management

Name: Leo Costantino	
Signature: 	Date: 8/10/2011

CC:psr
P4:\DURAZO SCAP1

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elizabeth O'Donnell v. County of Los Angeles
CASE NUMBER	BC 439872
COURT	Los Angeles County Superior Court
DATE FILED	June 17, 2009
COUNTY DEPARTMENT	CEO
PROPOSED SETTLEMENT AMOUNT	\$ 340,000.00
ATTORNEY FOR PLAINTIFF	Elizabeth O'Donnell, in pro per
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel General Litigation Division
NATURE OF CASE	On September 3, 2009, Ms. O'Donnell was visiting her sister, a County employee, at the Office of Emergency Management where she tripped and fell, sustaining damages, including a left wrist fracture. She alleges that the property was in a dangerous condition. The County denies these allegations. Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$340,000.00 is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 51,862
PAID COSTS, TO DATE	\$ 11,178

Corrective Action Plan



1. General Information

Date CAP document prepared:	November 09, 2010
Department:	Chief Executive Office-Office of Emergency Management
Name of departmental contact person:	Michael Hooper
• title:	Program Specialist III
• phone number:	(323) 980-2255
• e-mail:	mhooper@ceooem.lacounty.gov

2. Incident/Event Specific Information

Date of incident/event:	September 3, 2009
Location of incident/event:	County Emergency Operations Center, 1275 N. Eastern Avenue, Los Angeles, CA 90063
Event contact person:	Michael Hooper
• phone:	(323) 980-2255
• e-mail:	mhooper@ceooem.lacounty.gov
Claim adjuster (Third Party Administrator or County Counsel)	Sylvia Hernandez (Carl Warren)
• phone number:	(818) 247-2206
If claim is in litigation, please complete the following:	
County Counsel Attorney:	Richard K. Kudo
• phone number:	(213) 974-1879

3. Incident/Event Description:

Nature of incident/event:	Claimant fell on a "step down" section of the floor in the County Emergency Operations Center Situation Room.
Provide a brief description of the incident/event:	At approximately 5:00 p.m., claimant was dropping off items to Office of Emergency Management employee during a CEOC activation because employee was unable to leave facility to obtain items. While stepping off a tiered step in the CEOC Situation Room, claimant tripped falling forward on her left-side forearm which resulted in an injury to her left wrist and forearm.

- ☒ Include a copy of the supervisor's first report of incident (or related accident, event or incident investigation documentation).

4. Corrective Action Plan Problem Statement

Provide a written narrative of the incident/event problem statement:

The County Emergency Operations Center (CEOC) was activated at a low-level in support of the 2009 wildfires. During the activation, multiple OEM staff, and several outside agencies worked alongside each other in the Situation Room. At one point a small group of people, including the claimant, accompanied by an infant, converged in the Situation Room outside of Room 1004, adjacent to the step-down area. Claimant was part of the group. Another member of the group (relative) was holding the infant as claimant walked around the group and attempted to access the Situation Room. Her visibility of the immediate area was blocked by the group of people. Claimant did not notice the step-down area. Claimant misjudged the step area, lost her balance and fell forward on the ground. Claimant contends there was inadequate signage and floor lighting to warn of a potential step-down area. OEM contends claimant was

not paying attention to her surroundings due to her interaction with the group.

5. Root Cause Analysis

Root Cause Analysis tool used:	N/A
Incident/event root causes:	1. The step was not discernible from the surrounding area. 2. Claimant was not paying attention to her surroundings due to her interaction with the group.

- ☐ Include a copy of the Root Cause Analysis tool utilized (or related Root Cause Analysis documentation).

6. Corrective Action Plan Steps

Task number:	001
Task name:	Installation of floor lighting
System issue:	<input type="checkbox"/> Process/procedure <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	July-2010
Schedule completion date:	November 3, 2010
Responsible person:	Craft Manager-Electrical Shop, Los Angeles County Internal Services Department (ISD).
Task description:	ISD repaired existing base lighting on Monday, November 1, 2010. Illuminated carpet/step trim were installed on Monday, November 8, 2010, on each step (where not already equipped) to clearly identify the edge and face of steps in the Situation Room.

Task number:	002
Task name:	Installation of Photoluminescent signs displaying "STEP DOWN"
System issue:	<input type="checkbox"/> Process/procedure <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	September-2010
Schedule completion date:	October 8, 2010
Responsible person:	Craft Manager-Electrical Shop, Los Angeles County Internal Services Department (ISD).
Task description:	Photoluminescent signs displaying "STEP DOWN" were installed on partition uprights to clearly identify the edge and face of steps in the Situation Room. Work was completed on October 8, 2010.

Task number:	003
Task name:	Safety Instruction for working in the CEOC
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	November 8, 2010
Schedule completion date:	Ongoing
Responsible person:	OEM Safety Officer-CEO/Office of Emergency Management
Task description:	The OEM Safety Officer, is conducting safety training sessions for

	<p>all CEOC employees directly involved in working in the CEOC to support operations in response to man-made and natural disasters and emergencies. Training was held on November 9, 2010. Training covered workplace safety, hazard identification, and safe work practices. This will be ongoing training administered by the Safety Officer once a year in November. New employees who are hired after this annual training session will receive the training from the OEM Safety Officer as part of their initial new-employee training.</p>
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Task number:	004
Task name:	Expanded Incident Investigation Procedures
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	July 20, 2010
Schedule completion date:	Ongoing
Responsible person:	OEM Safety Officer
Task description:	As re-enforcement to an existing procedure, OEM Safety Officer will continue to instruct all OEM staff to immediately notify the OEM Safety Officer of any incident, and, to notify the immediate supervisor, no matter the time of the incident. To the extent an

	<p>incident occurs during his/her regular working hours, the Safety Officer will immediately go to the site of the incident to commence an incident investigation. During his/her days off, the Safety Officer will have 72 hours to commence the incident investigation, depending upon his/her judgment of the severity of the incident. Sheriff EOB Safety Officer will be responsible for performing an incident investigation for injuries occurring to their staff and visitors. This procedure is used to investigate injuries to visitors and OEM staff and was properly followed for the subject incident.</p>
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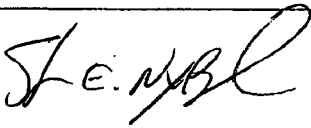

Task number:	005
Task name:	CEOC Visitor Access Requirements
System issue:	<input checked="" type="checkbox"/> Process/procedure <input type="checkbox"/> Equipment <input type="checkbox"/> Personnel
Schedule start date:	June 28, 2010
Schedule completion date:	Ongoing
Responsible person:	Office of Emergency Management Administrator
Task description:	<p>CEOC security procedures require that non-work related visitors not be allowed in the CEOC work areas. Visitors are advised to remain in the lobby area while waiting for the requested staff member to arrive. Visitors are not allowed to return to the requested employees' work area with them. Non-work related visitors who do not request a specific person are directed to the OEM Duty Officer. The OEM Duty Officer comes to the lobby to ascertain visitor needs.</p>

	<p>The procedure does not apply to work related visitors. Whenever possible, work related visitors should be escorted to the area of the building and/or the person to whom they are visiting. Visitors should be monitored at all times while at the CEOC.</p> <p>This is a uniform procedure followed by OEM and Sheriff Emergency Operations Bureau staff. OEM staff were notified by e-mail of this procedure regarding visitors on the CEOC premises. This procedure was implemented in response to the subject incident.</p>
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* If additional task sheets are needed; cut and paste the above table, as needed. If necessary, delete unused Corrective Action Plan Step tables.

7. Review and Authorization

The department has reviewed the incident/event investigation, Root Cause Analysis documentation and Corrective Action Plan and has taken all appropriate corrective actions required.

Review and authorization steps:	Signature:	Date:
Document reviewed by department Risk Management Coordinator:		11-15-16
Document reviewed by department head or designee:		

Case Name: Elizabeth O'Donnell



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	September 3, 2009
Briefly provide a description of the incident/event:	<p>The County Emergency Operations Center (CEOC) was activated at a low-level in support of the 2009 wildfires. During the activation, multiple OEM staff, and several outside agencies worked alongside each other in the Situation Room. At approximately 5:00 p.m., a small group of people converged in the Situation Room outside of Room 1004, adjacent to the Situation Room step-down area. Claimant, accompanied by an infant, was part of the group. Another member of the group (relative) was holding the infant as claimant walked around the group and attempted to access the Situation Room. Her visibility of the immediate area was blocked by the group of people. Claimant did not notice the step-down area. Claimant misjudged the step area, lost her balance and fell forward on the ground. Claimant contends there was inadequate signage and floor lighting to warn of a potential step-down area. OEM contends claimant was not paying attention to her surroundings due to her interaction with the group.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

- (1) The step was not discernible from the surrounding area, and
- (2) Claimant was not paying attention to her surroundings due to her interaction with the group.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective Action Step # 001:

ISD repaired existing base lighting on Monday, November 1, 2010. Illuminated carpet/step trim were installed on Monday, November 8, 2010, on each step (where not already equipped) to clearly identify the edge and face of steps in the Situation Room.

Due Date: November 8, 2010

Responsible Party: Craft Manager-Electrical Shop, Los Angeles County Internal Services Department (ISD).

Corrective Action Step # 002:

Photoluminescent signs displaying "STEP DOWN" were installed on partition uprights to clearly identify the edge and face of steps in the Situation Room. Work was completed on October 8, 2010.

Due Date: October 8, 2010.

Responsible Party: Craft Manager-Electrical Shop, Los Angeles County Internal Services Department (ISD).

Corrective Action Step # 003

The Office of Emergency Management (OEM) Safety Officer is conducting safety training sessions for all CEOC employees directly involved in working in the CEOC to support operations in response to man-made and natural disasters and emergencies. Training was held on November 9, 2010. Training covered workplace safety, hazard identification, and safe work practices. This will be ongoing training administered by the OEM Safety Officer once a year in November. New employees who are hired after this annual training session will receive the training from the OEM Safety Officer as part of their initial new-employee training.

Due Date: November 2010-Ongoing

Responsible Party: OEM Safety Officer-CEO/Office of Emergency Management

Corrective Action Step # 004

As re-enforcement to an existing procedure, OEM Safety Officer will continue to instruct all OEM staff to immediately notify the OEM Safety Officer of any incident, or, if the Safety Officer is not available to notify the immediate supervisor, no matter the time of the incident.

To the extent an incident occurs during his/her regular working hours, the Safety Officer shall immediately go to the site of the incident to commence an incident investigation. During his/her days off, the Safety Officer shall have 72 hours to commence the incident investigation, depending upon his/her judgment of the severity of the incident. Sheriff EOB Safety Officer will be responsible for performing an incident investigation for injuries occurring to their staff and visitors. This procedure is used to investigate injuries to visitors and OEM staff and was properly followed for the subject incident.

Due Date: Ongoing

Responsible Party: OEM Safety Officer-CEO/Office of Emergency Management

Corrective Action Step # 005

CEOC security procedures require that non-work related visitors not be allowed in the CEOC work areas. Visitors are advised to remain in the lobby area while waiting for the requested staff member to arrive. Visitors are not allowed to return to the requested employees' work area with them. Non-work related visitors who do not request a specific person are directed to the OEM Duty Officer. The OEM Duty Officer comes to the lobby to ascertain visitor needs.

The procedure does not apply to work related visitors. Whenever possible, work related visitors should be escorted to the area of the building and/or the person to whom they are visiting. Visitors should be monitored at all times while at the CEOC.

This is a uniform procedure followed by OEM and Sheriff Emergency Operations Bureau staff. OEM staff were notified by e-mail of this change of procedure regarding visitors on the CEOC premises. This procedure was implemented in response to the subject incident.

Due Date: June 28, 2010-Ongoing

Responsible Party: Administrator/Office of Emergency Management

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☒ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have County-wide or other department implications.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) <i>Steven E. Myblom</i>	
Signature: <i>SE Myblom</i>	Date: <i>11-15-10</i>

Name: (Department Head)	
Signature: <i>[Signature]</i>	Date:

Chief Executive Office Risk Management

Name: <i>Robert Chavez</i>	
Signature: <i>Robert Chavez</i>	Date: <i>11-15-10</i>

COUNTY OF LOS ANGELES CLAIMS BOARD

MINUTES OF REGULAR MEETING

December 5, 2011

1. Call to Order.

This meeting of the County of Los Angeles Claims Board was called to order at 9:31 a.m. The meeting was held in the Executive Conference Room, 648 Kenneth Hahn Hall of Administration, Los Angeles, California.

Claims Board Members present at the meeting were: John Naimo, Laurie Milhiser, and John Krattli.

- Other persons in attendance at the meeting were: Office of the County Counsel: Vicki Kozikoujekian.

2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).

At 9:34 a.m., the Chairperson adjourned the meeting into Closed Session to discuss the item listed as 4(a) below.

4. Report of actions taken in Closed Session.

At 10:00 a.m., the Claims Board reconvened in open session and reported the actions taken in Closed Session as follows:

a. Claim of Vince Ruiz

This claim arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department.

Action Taken:

The Claims Board approved settlement of this matter in the amount of \$30,000.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

5. **Approval of the minutes of the November 21, 2011, regular meeting of the Claims Board.**

Action Taken:

The Claims Board approved the minutes.

Vote: Ayes: 3 - John Naimo, Laurie Milhiser, and John Krattli

6. **Items not on the posted agenda, to be referred to staff or placed on the agenda for action at a further meeting of the Board, or matters requiring immediate action because of emergency situation or where the need to take immediate action came to the attention of the Board subsequent to the posting of the agenda.**

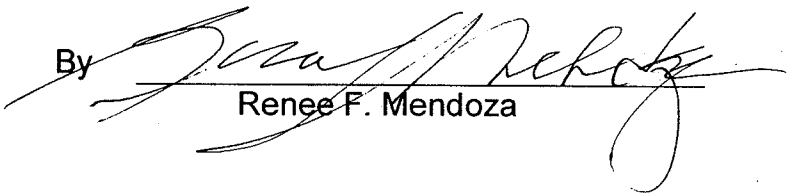
No such matters were discussed.

7. **Adjournment.**

The meeting was adjourned at 10:08 a.m.

COUNTY OF LOS ANGELES CLAIMS BOARD

By


Renee F. Mendoza